

Remarks

Claims 14, 16, 18, 19, 22, 24, and 26 are pending. Independent claims 14, 18, and 22 have been amended. Reconsideration of this application in light of the above amendments and following remarks is requested.

Failure to reject each claim element

Applicant requests that the Examiner issue a second non-final Office action on the following grounds. Applicant submits that the Office action fails to present the Examiner's conclusions under 35 U.S.C. §§ 102 and/or 103 regarding claims 14, 16, 18, and 19 in addition to the rejection under 35 U.S.C. § 112.

According to MPEP § 2163, "[t]hese Guidelines are intended to form part of the normal examination process. Thus, where Office personnel establish a prima facie case of lack of written description for a claim, a thorough review of the prior art and examination on the merits for compliance with the other statutory requirements, including those of 35 U.S.C. 101, 102, 103 and 112, is to be conducted prior to completing an Office action which includes a rejection for lack of written description. " Furthermore, MPEP § 2163 (III) states that, regardless of the outcome of the written description determination, "Office personnel must complete the patentability determination under all the relevant statutory provisions of title 35 of the U.S. Code. Once Office personnel have concluded analysis of the claimed invention under all the statutory provisions, including 35 U.S.C. 101, 112, 102, and 103, they should review all the proposed rejections and their bases to confirm their correctness. Only then should any rejection be imposed in an Office action. The Office action should clearly communicate the findings, conclusions, and reasons which support them."

Although Applicant traverses the rejection under 35 U.S.C. § 112, first paragraph, Applicant submits that the Office action fails to present the Examiner's conclusions under 35 U.S.C. §§ 101, 102, or 103. Accordingly, unless claims 14, 16, 18, and 19 are deemed allowable by the Examiner, Applicant respectfully requests that the finality of the current Office action be withdrawn and any rejections of these claims (other than the 35 U.S.C. § 112 rejection discussed below) be presented so that Applicant can address such rejections.

Rejections under 35 U.S.C. § 112

Claims 14, 16, 18, and 19 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 14 has been amended to recite

the MSC reconnecting to the mobile unit and the § 112 rejection is deemed moot with respect to claim 14. However, claim 18 still contains language where the MSC dials back to the mobile unit, and Applicant respectfully traverses this rejection because the cited language is supported by the specification as follows.

Applicant's specification recites that "a mobile switching center ("MSC") ... automatically reestablishes the connection with the mobile unit" (p. 2, lines 15-19). The specification also states that "the MSC, upon detecting the disconnection, ... will immediately reconnect to the mobile unit." (p. 4, lines 4-6). Furthermore, "[t]he detection of the call being dropped ... and subsequent reconnection of the dropped emergency call are accomplished using software instructions 214 stored within and executed by the MSC 204." (p. 4, lines 14-18). As originally filed, claims 4, 8, and 12 disclose the MSC dialing back the mobile unit. For example, as originally filed, claim 4 recited "[t]he method of claim 1 wherein said reestablishing comprises said MSC dialing back said mobile unit." As stated in MPEP § 2163(I), "[i]t is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification." Furthermore, under MPEP § 2163(I)(A), "[t]here is a strong presumption that an adequate written description of the claimed invention is present when the application is filed." Applicant submits that original claims 4, 8, and 12 provide a satisfactory description of one approach for the MSC reestablishing the connection and that the Office action fails to overcome the strong presumption of an adequate written description as presented in MPEP § 2163(I)(A). Accordingly, Applicant submits that the claim element rejected under § 112 is clearly supported.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 22 and 24 stand rejected under § 102(e) as being anticipated by U.S. Patent No. 6,240,284 to Bugnon et al. ("Bugnon"). The PTO provides in MPEP § 2131 that "[t]o anticipate a claim, the reference must teach every element of the claim." Therefore, with respect to claims 22 and 24, to support a rejection under 35 U.S.C. § 102(e), the Bugnon reference must contain all of the elements of the claims.

Amended claim 22 recites, in part, means responsive to a determination that said call is to be automatically reestablished by said RF communications network for reestablishing said call between said mobile unit and said called party, wherein said means for reestablishing comprises means for reconnecting to said mobile unit using a call waiting mechanism. Bugnon fails to teach or suggest at least the above element of claim 22 as required by MPEP § 2131, and claim 22 is allowable over the cited reference. Claim 24 depends from and further limits claim 22 and is allowable for at least the same reason as claim 22. Claim 26 stands rejected

under 35 U.S.C. § 103. However, claim 26 depends from and further limits claim 22 and is allowable for at least the same reason as claim 22.

Conclusion

Therefore, it is respectfully submitted that all pending claims are in condition for allowance. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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